

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

BENJAMIN DWAYNE SCOTT

PLAINTIFF

v.

Civil No. 06-6007

SERGEANT R. RADLEY;
NURSE T. HARMON; OFFICER
J. DUNN; OFFICER B. STRICKLAND;
OFFICER DODGE; CAPTAIN M.
STEED; CHIEF HOLT; and
SHERIFF LARRY SANDERS

DEFENDANTS

ORDER

Benjamin Dwayne Scott filed this pro se civil rights action pursuant to 42 U.S.C. § 1983 on February 27, 2006. An order was entered by Magistrate Judge Shepherd directing the provisional filing of the complaint and giving Scott thirty days to supply the court with an application to proceed *in forma pauperis* (IFP) (Doc. 2). Scott failed to provide the court with the completed application.

On July 17, 2006, a report and recommendation was filed recommending that the case be dismissed based on Scott's failure to obey an order of this court. On July 25, 2006, Scott filed objections to the report and recommendation (Doc. 5). Scott maintains he did not receive the order entered by Magistrate Shepherd. He also asks that this case be consolidated with another case he has pending, *Scott v. Sanders*, Civil No. 06-6031.

In view of Scott's objections, we decline to adopt the report and recommendation. The clerk of court is directed to file a copy of the IFP application Scott provided in Civil No. 06-6031 (Doc. 2) in this case. The application to proceed IFP in this case is granted. The

**clerk is directed to collect the filing fee in accordance with the provisions of the Prison
Litigation Reform Act.**

The court also finds that this case should be and hereby is consolidated with Civil No.
06-6031. As 06-6007 was the first filed case, it will be considered the lead case. All future
filings will contain both case numbers and the names of all defendants.

IT IS SO ORDERED this 4th day of August 2006.

/s/ Robert T. Dawson
UNITED STATES DISTRICT JUDGE